

DOCKET NO.: P0777.70007US00

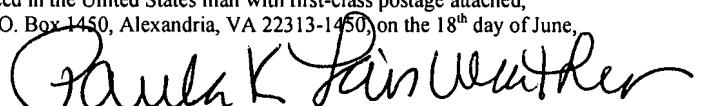
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kreutzmann et al.  
Serial No.: 10/574,517  
Confirmation No.: 6948  
Filed: April 3, 2006  
For: INHALATION THERAPY DEVICE COMPRISING A VALVE  
  
Examiner: Not yet assigned  
Art Unit: Not yet assigned

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CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to MAIL STOP MISSING PARTS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 18<sup>th</sup> day of June, 2007.



Paula K. Fairweather

Paula K. Fairweather

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**MAIL STOP MISSING PARTS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

STATEMENT FILED PURSUANT TO THE DUTY OF  
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed before the mailing of a first Office action on the merits in the above-identified case. No fee or certification is required.

PART II: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified PTO/SB/08). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant hereby makes the following additional information of record in the above-identified application.

The Applicant would like to bring to the Examiner's attention the enclosed search report mailed December 30, 2004 and the International Preliminary Reports on Patentability issued by WIPO dated December 30, 2004 and December 29, 2005 from corresponding International Application No. PCT/EP2004/010084. An English translation of the International Report on Patentability is also enclosed.

PART III: Explanation of Non-English Language References and Remarks Concerning Other Information Cited

The following is a concise explanation of the relevance of each non-English language reference listed on the attached form PTO-1449 (modified PTO/SB/08).

An English language abstract is included in WO 2004/041336. CA 2389936 is an English language equivalent of DE 199 53 317 C1.

PART IV: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 (modified PTO/SB/08) be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

Serial No.: 10/574,517  
Conf. No.: 6948

- 3 -

Art Unit: Not yet assigned

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his or her own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,

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Docket No.: P0777.70007US00

Date: 06/18/07

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|---|---|----|---|-----------------------------|-----------------------------------|------------------------|
| <b>FORM PTO-1449/A and B (modified PTO/SB/08)</b><br><b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> |   |    |   | APPLICATION NO.: 10/574,517 | ATTY. DOCKET NO.: P0777.70007US00 |                        |
|   |   |    |   | FILING DATE:                | April 3, 2006                     | CONFIRMATION NO.: 6948 |
|   |   |    |   | APPLICANT:                  | Kreutzmann et al.                 |                        |
|   |   |    |   | GROUP ART UNIT:             | Not yet assigned                  | EXAMINER:              |
| Sheet   | 1 | of | 1 |                             |                                   |                        |

#### U.S. PATENT DOCUMENTS

| Examiner's Initials # | Cite No.     | U.S. Patent Document |           | Name of Patentee or Applicant of Cited Document | Date of Publication or Issue of Cited Document<br>MM-DD-YYYY |
|-----------------------|--------------|----------------------|-----------|---|--|
|                       |              | Number               | Kind Code |   |  |
| 1                     | 4,333,450    |                      |           | Lester  | 06-08-1982   |
| 2                     | 6,039,042    |                      |           | Sladek  | 03-21-2000   |
| 3                     | 2003/0037785 | A1                   |           | Sonntag   | 02-27-2003   |
| 4                     | 2004/0094150 | A1                   |           | Flynn   | 05-20-2004   |
|                       |              |                      |           |   |  |
|                       |              |                      |           |   |  |
|                       |              |                      |           |   |  |

#### FOREIGN PATENT DOCUMENTS

| Examiner's Initials # | Cite No. | Foreign Patent Document |        |   | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document<br>MM-DD-YYYY | Translation (Y/N) |
|-----------------------|----------|-------------------------|--------|---|---|---|-------------------|
|                       |          | Office/Country          | Number | Kind Code                                       |   |   |                   |
| 5                     | CA       | 2389936                 | A1     | Pari GmbH Spezialisten fur Effektive Inhalation | 05-17-2001                                      |   |                   |
| 6                     | DE       | 19902847                | C1     | Kendall-Medizinische Erzeugnisse - GmbH         | ---   |   |                   |
| 7                     | DE       | 19953317                | C1     | Pari GmbH Spezialisten fur Effektive Inhalation | ---   | Equiv.  |                   |
| 8                     | DE       | G8703534.0              | U1     | Stephan Brugger                                 | 09-17-1987                                      |   |                   |
| 9                     | WO       | 2004/041336             | A1     | Pari GmbH Spezialisten fur Effektive Inhalation | 05-21-2004                                      | Abstr.  |                   |
|                       |          |                         |        |   |   |   |                   |
|                       |          |                         |        |   |   |   |                   |
|                       |          |                         |        |   |   |   |                   |

#### OTHER ART – NON PATENT LITERATURE DOCUMENTS

|                       |         |   |                   |
|-----------------------|---------|---|-------------------|
| Examiner's Initials # | Cite No | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | Translation (Y/N) |
|                       |         |   |                   |
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|-----------|------------------|
| EXAMINER: | DATE CONSIDERED: |
|-----------|------------------|

# EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

\*a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. \_\_\_, filed \_\_\_, and relied upon for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications).

[NOTE – No copies of U.S. patents, published U.S. patent applications, or pending, unpublished patent applications stored in the USPTO's Image File Wrapper (IFW) system, are included. See 37 CFR §1.98 and 1287OG163. Copies of all other patent(s), publication(s), unpublished, pending U.S. patent applications, or other information listed are provided as required by 37 CFR §1.98 unless 1) such copies were provided in an IDS in an earlier application that complies with 37 CFR §1.98, and 2) the earlier application is relied upon for an earlier filing date under 35 U.S.C. §120.]